UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCD PLUMBING, INC.

DMS MECHANICAL SERVICES, LLC

MICHAEL STACHOWIAK d/b/a DMS SERVICES

MICHAEL DIEBOLD

and

Case 03-CA-076777

UNITED ASSOCIATION, PLUMBERS & STEAMFITTERS LOCAL UNION #22

ORDER DENYING MOTION

The Motion to Dismiss the Complaint filed by Respondents DMS Mechanical Services, LLC and Michael Stachowiak d/b/a DMS Services is denied. The Respondents have failed to establish that there are no genuine issues of material fact and that they are entitled to judgment as a matter of law.

Dated, Washington, D.C., January 10, 2013

MARK GASTON PEARCE, CHAIRMAN

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER